



2006 Legislative Session

HB 1190: Wine Shipments

In May 2005, the United State Supreme Court ruled that states must treat in-state wineries the same as out-of-state wineries. This decision created a problem for Indiana's law.

The current law specifically states that out-of-state wineries must go through a wholesaler and retailer before reaching the consumer, but for more than 30 years, in-state wineries have been shipping directly to Hoosier consumers. By forcing local wineries to go through two middlemen, consumers can see prices \$4 per bottle higher than with direct shipping. Not only will this burden consumers, but it will also be a drag on Indiana's farm wine industry.

I am sponsoring House Bill 1190 to make Indiana comply with the Supreme Court's ruling.

The bill will help the Indiana wineries by creating a new and very affordable "wholesale winery permit" for \$100 a year (not the current \$2,000 yearly normal wholesale imposed). This would allow sales to any retail transaction or business.

HB 1190 also creates a direct wine seller's permit. This allows our farm wineries to do legally what they were doing outside the law before the May 20, 2005 ATC ruling and order, which followed the out of state wineries suit and U.S. Supreme Court decision.

Below are the details of the permit:

- To comply, the wineries must do transactions face-to-face. They have until the first of September to re-establish those arrangements.
- They must verify that the purchaser is of legal age of 21 and the shipping address is the same as the address listed on the purchaser's I.D. Out of state wineries must meet the same requirements.
- The bill raises the threshold of eligibility to an applicant who produces not more than 500,000 gallons of wine per year. Gives them a 30-day period of time before they can qualify must faster than the original two-year waiting period.
- The cost of the direct wine seller's permit is \$100 annually.
- Allows wineries to ship up to 18 liters (2 cases) of wine per month into our state or to end user. Does not allow brandy, beer, or spirits to be shipped this way.



STATE SENATOR

TOM

WEATHERWAX

DISTRICT 18



WRITE TO:

**Sen. Tom Weatherwax
Indiana Senate
200 W. Washington St.
Indianapolis, IN 46204**

CALL:

1-800-382-9467

OR

(317)232-9400

VISIT MY WEB SITE AT:

www.in.gov/S18

HOUSE BILL 1099

Legalizing Fireworks & Money for Firefighter Training

I am sponsoring House Bill 1099, which will end the "fireworks sham" in Indiana and provide millions of dollars for firefighter training and disaster relief. The bill clarifies ambiguities in the Indiana fireworks' law.

Here is an overview of what the bill does:

- *Clarifies ambiguities in Indiana fireworks' law to permit Hoosiers to purchase consumer fireworks without signing an affidavit that the fireworks will be used out of state.*

- * M-80s, cherry bombs, silver salutes, and any device banned by the federal government are not included in the definition of consumer fireworks.

- * The bill restricts the sale of fireworks, novelties, or trick noise makers to a person less than 18 years of age.

- * The retailer or wholesaler must request photo ID and record the consumer's name, address, date of the sale, and the age.

- *Allows the use of consumer fireworks on a person's own property or the property of another.*

- *Establishes rigorous safety standards for fireworks' sellers.*

- *Requires fireworks' sellers to be licensed.*

- *Imposes a 4 percent Public Safety Fee on the purchase price of consumer fireworks, which will raise millions of dollars to fund firefighter training and disaster relief.*

- * The fee must be paid to the Department of Homeland Security and be used for all Indiana state and local government fire stations and advanced training for public safety and homeland security subjects.

- * The fire prevention and building safety commission will administer and collect the public safety fee money from retailers.

- *Creates stiff criminal penalties and civil liability for those who use fireworks irresponsibly.*

- * If the fireworks are used in a non-special discharge location, not their own property, or if they are used on another's property without their permission it will be a Class C infraction

- * If the fireworks used causes damage to another person's property, it is now a Class B misdemeanor.

- * It is a Class A misdemeanor if the person using the fireworks causes serious bodily damage to another person.

- * If the use of the fireworks results in death of another, the person then has committed a Class D felony.

- * A person has also committed a Class D felony if they fail to collect or pay the public safety fees.

- *Doctors, Hospitals, and other treatment centers must report any injuries that have resulted from fireworks to the state health data center of the state department of health within a period of five business days after the person was treated.*

The bill, which passed easily out of the Senate Tax and Fiscal Policy Committee on Tuesday, will now be considered by the full Senate next week.

Helpful Contact Numbers

State Information Center

1-800-45-STATE

State Information TDD (Relay Indiana)

1-800-743-3333

Federal Information Center — 1-800-688-9889

Indiana House of Representatives — 1-800-382-9841

Indiana Senate — 1-800-382-9467

Governor's Office — 317-232-4567

Attorney General's Office — To sign-up for "No-Call List"

1-888-834-9969

Medicare — 1-800-MEDICARE (1-800-622-4792)

Medicaid — 1-800-622-4932

Social Security — 1-800-772-1213